

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Ronald L. Mahany

Serial No. 10/057,816

Filed: January 24, 2002

For: Remote Radio Data Communication  
System With Data Rate Switching

Examiner: Nguyen Thanh Vo

Group Art Unit: 2685

Confirmation No.: 4621

**ELECTRONICALLY FILED**  
**On April 19, 2007**

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has two (2) pages.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Thirty-eight (38) references are attached in two electronic submissions.

**FEE DETERMINATION AND PAYMENT**

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the

application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### REQUEST FOR CONSIDERATION

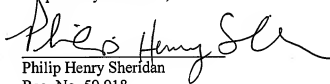
This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

  
Philip Henry Sheridan  
Reg. No. 59,918

Date: April 19, 2007

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/057,816
		Filing Date	January 24, 2002
		First Named Inventor	Ronald L. Mahany
		Group Art Unit	2685
		Examiner Name	Nguyen Thanh Vo
Sheet	1	of	2
		Attorney Docket Number	14419US01

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. <sup>1</sup>	Document Number Number-Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A14	4,785,450	11/15/1988	Bolgiano	
	A15	4,789,983	12/06/1988	Acampora	
	A16	4,495,619	01/22/1985	Acampora	
	A17	4,910,794	03/20/1990	Mahany	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code* Number *Kind Code * (if known)				
B1	JP 63-141432		06/13/1988	Fujitsu		X
B2	JP 3-60251		03/15/199	NTT		X
B3	JP 2-35848		02/06/1990	NEC		X
B4	EP 0 353 759		02/07/1990	Norand		

OTHER ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			
	C20	Defendant And Counterclaim Plaintiff Qualcomm Incorporated's Final Invalidity Contentions, With Exhibit A, 11/21/2006			
	C21	ANTONIO et al., "OmniTRACS: A Commercial Ku-Band Mobile Satellite Terminal And Its Applicability To military Mobile Terminals," MOLCOM 88, 1988 IEEE Military Communications Conference, 10/23-26/1988			
	C22	FILIP et al., "Adaptive Modulation As A Fade Countermeasure: An Olympus Experiment," International Journal Of Satellite Communications, Vol. 8, pp. 31-41, 01/1990			
	C23	FRALICK et al., "Technological Considerations For Packet Radio Networks", AFIPS Conference Proceedings, 1975 National Computer Conference, 05/19-22/1975			
	C24	GOODMAN et al., "Combined Source And Channel Coding For Matching The Speech Transmission Rate To The Quality Of The Channel", GLOBECOM '83, IEEE Global Telecommun. Conf., IEEE 1982, Vol. 1, pp. 316-321			
	C25	GOODMAN et al., "Combined Source And Channel Coding For Variable-Bit-Rate Speech Transmission", The Bell System Technical Journal, Vol. 62, No. 7, 09/1983			
	C26	GOODMAN et al., "Quality of Service And Bandwidth Efficiency Of Cellular Mobile Radio With Variable Bit-Rate Speech Transmission," IEEE Trans. On Vehicular Technology, 08/1983, Vol. VT-32, No. 3, pp. 211-217			
	C27	GOODMAN et al., "Transmission Errors And Forward Error Correction In Embedded Differential Pulse Code Modulation," Bell System Technical Journal, Vol. 62, No. 9, 11/1983			
	C28	GOODMAN, "Embedded DPCM For Variable Bit Rate Speech Transmission," IEEE Trans. On Communications, Vol. COM-28, No. 7, pp. 1040-1046, 07/1980			

EXAMINER SIGNATURE	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible; if you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rev. Sept. 03

J:\OPEN\phs\Broadcom (1772)\Qualcomm\Litigation Statement & IDS Project\Santa Ana 05-467 Litigation Statement & IDS\5,425,051 - Adaptive Parameters\Supp2 IDS - Adaptive Parameters 5,425,051\Fee\14419US01\14419US01 PTO/SB08A.doc

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

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Examiner Name	Nguyen Thanh Vo
Attorney Docket Number	14419US01

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

Examiner Initials*	Cite No.	
	C29	GOODMAN, "Quality Of Service And Bandwidth Efficiency Of Cellular Mobile Radio With Variable-Bit-Rate Speech Transmission", 33 <sup>rd</sup> IEEE Vehicular Technology Conference, IEEE 1983, pp. 316-321
	C30	HANSSON et al., "Multilevel Frequency Modulation In Mobitex", Diploma Thesis, Dept. of Information Theory, Chalmers Univ. of Tech., 09/1991 (Swedish title; English translation of abstract only)
	C31	HENRY et al., "HF Radio Data Communication", Communications Quarterly, Spring 1992, pp. 11-24
	C32	HUGHES et al., "The Use Of Spread-Spectrum Coding As A Fading Countermeasure At 2030 Hz", ESA Journal, Vol. 11, No. 4, 1987
	C34	JACOBS et al., "The Application Of A Novel Two-Way Mobile Satellite Communications And Vehicle Tracking System To The Transportation Industry", IEEE Transactions On Vehicular Technology, Vol. 40, Issue No. 1, 02/1991, pp. 57-63
	C35	JAKES, "Microwave Mobile Communications, 1974, Ch. 1., Multipath Interference, pp. 11-78
	C36	KAHN et al., "Advances In Packet Radio Technology", IEEE, Vol. 66, No. 11, 11/1978, pp. 1468-1496
	C37	PETTIT, "The Cloverleaf Performance-Oriented HF Data Communication System," 9 <sup>th</sup> Computer Networking Conference, 09/22/1990, pp. 191-194
	C38	STEELE et al., "Variable Rate QAM For Data Transmission Over Rayleigh Fading Channels," Keynote Paper, Wireless '91, The Third National Seminar & Workshop On Wireless Personal Communications, Calgary, Alberta, 07/09/1991, pp. 1-14
	C39	STEELE, "Deploying Personal Communication Networks", IEEE Communications Magazine, 09/1990, pp. 12-15
	C40	TOMLINSON et al., "Fade Countermeasures at Ka Band: Direct Inter-Establishment Communications Equipment (DICE)", Electronics Division Colloquium on Results Of Experiments Using The Olympus Satellite, 12/17/1993, pp. 4/1-4/6
	C41	WEB, "QAM: The Modulation Scheme For Future Mobile Radio Communications?", Electronics & Communication Engineering Journal, 08/1992, pp. 167-176
	C42	ZIEMER et al., "Principles Of Communications, System, Modulation And Noise", 1976, pp. 93, 135, 160, 154
	C43	GIBILISCO et al., Encyclopedia of Electronics, 2 <sup>nd</sup> edition, 1990, p. 697
	C44	OmnitRACS system, invented and sold by Qualcomm, first sold at least as early as 10/12/1988 to Schneider National, Inc. (B-18)
	C45	DARPA packet radio network, in public use prior to 11/09/1991 (B-26)
	C46	Norand RT3210 Radio Data Terminal ("Norand RT3210 System")
	C47	RB2212 Base Radio Transceiver
	C48	RB3000 Base Radio Transceiver
	C55	Clover-I and Clover-II Systems, invented by Raymond Petit and in public use prior to 11/09/1992
	C56	DIXON, Spread Spectrum Systems, 2 <sup>nd</sup> ed., 1984, p. 9, 13, 19-20, 25-26, 58, 84-89, 91-98
	C57	KORN, Digital Communications, Chapters 2, 3, and 12, 1985
	C58	LEE et al., Digital Communications, pp. 214-217, 426-439, 1988
	C59	KIMON et al., "Differential Detection of Gaussian MSK in a Mobile Radio Environment", IEEE Trans. On Vehicular Tech., Vol. VT-33, No. 4, 11/1984, pp. 307-320
	C60	MUROTA et al., "Dual Rate Mobile Data System", IEEE International Symposium on Personal Indoor and Mobile Radio Communications, pp. 520-24, 10/19-21, 1992

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